

REMARKS

Claim 1 remains pending in this application. Claim 2 is cancelled herein. The structural limitations of claim 2 have been incorporated into claim 1 and have been reworded to clarify the invention. Claim 1 has also been amended to clarify other aspects of the invention and to address matters of form that were not addressed by the Examiner and accordingly are considered unrelated to substantive patentability issues.

The specification has been amended to fix a typographical error regarding the percent of Zn by weight in the sacrificial anode. The value of Zn has been corrected to accurately note that it is 1.0%, not 0.1%. The change is supported by the specification page 8, third paragraph which provides the proper 1.0% value.

Claim 2 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to the use of the terminology “equivalent to” with regard to the composition of certain alloys.

As noted above the limitations of claim 2 are incorporated into claim 1. Moreover, the “equivalent to” language has been replaced by the recitation of specific components and the amounts thereof in the compositions.

Claim 1 is rejected under 35 U.S.C. §103(a) as obvious over Shinnaga et al. (Japanese Pat. No. JP 11-80870) in view of Tanaka et al. (Japanese Pat. No. JP 11-80870). Claim 2 is rejected under 35 U.S.C. §103(a) as obvious over Shinnaga in view of Tanaka and in further view of Swartz (Encyclopedia of Materials, Parts and Finishes; by Mel Schwartz; CRC Press; pg. 44). More specifically, the Office Action states that Shinnaga discloses all the elements recited in the claims except for the specific alloys for the brazing metal and the core metal which are disclosed in Kato, the sacrificial anode material which is disclosed in Swartz and/or Kato and the use of a brazing furnace which is disclosed in Tanaka. In other words, the rejection characterizes the structure recited in the claims as simply the combining of prior art elements according to known methods to yield predictable results.

MPEP §2143 states that when rejecting a claim based on the rationale that the recited structure is simply “combining prior art elements according to known methods to yield predictable results” there must be a “finding that the prior art included each element... with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” *Id.* In addition, there must be a finding that “each element merely performs the same function as it does separately.” *Id.*

Applicant respectfully traverses the rejections and alternatively avers that the claims as amended overcome the rejections because the cited art does not include each element as recited in the claims. In particular, the cited art does not disclose the core metal or sacrificial anode material as recited in the claims.

In regard to the core metal, Kato discloses a core metal that contains 0.3-0.6% of Mg by weight as part of an aluminum alloy for the balance of the core metal. In contrast, the current invention contains no Mg in the core metal. Kato also discloses a core metal that contains 0.3-1.0% Cu. In contrast, the current invention contains 0.15% Cu. Thus, the cited references do not disclose a core metal as recited in the claim.

In regard to the sacrificial anode, Kato discloses a sacrificial anode that contains 0.3-0.6% Si by weight. In contrast, the current invention contains no Si in the sacrificial anode. The Office Action also asserts that Swartz discloses a sacrificial anode like the one recited in claim 2 before the current amendment. However, Swartz does not disclose a sacrificial anode material containing Mg, as recited in the claim. The alloy recited in the claim is 7072 with Mg. However, Swartz states that “[z]inc is a major alloying element in the aluminum alloy 7xxx series, and it is usually combined with magnesium. An exception is 7072 which is alloyed only with 1% zinc.” Swartz page 44. Hence, Swartz teaches away from an

alloy as recited in the claim with 7072 combined with Mg. Moreover, Swartz only discloses the particular alloy for use in making high strength structures and not for purposes of making a sacrificial anode. Thus, the cited references neither disclose the material of the sacrificial anode as recited in the claims, nor is there any disclosure that a combination of Swartz with Kato would predictably result in a functional sacrificial anode material.

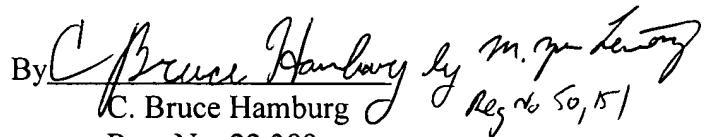
In light of the above discussion, it is clear that the cited references do not disclose all the elements as recited in the claims and, therefore, the claims are not rendered obvious in light of the cited references.

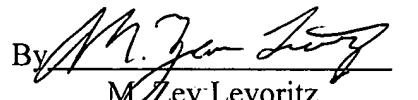
Applicant respectfully requests a one month extension of time for responding to the Office Action. The fee of \$120 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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